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MAR 5 2004

Office of the Director
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GREGORY A. SEBALD
MERCHANT & GOULD, PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

In re application of
Justin R. Morris et al.
Application No. 10/014,914
Filed: October 22, 2001
For: VINEYARD APPARATUS, SYSTEM, AND
METHOD FOR VINEYARD MECHANIZATION

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on September 5, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request does not meet condition A) above.

The original declaration and power of attorney filed May 13, 2002 appointed attorneys associated with Customer Nos. 28112, 24951 and 24950. The requesting attorney, Mr. Hinrichs, is not among those attorneys listed. It is noted that Mr. Hinrichs is named as the contact person for matters related to the application. However, this does not constitute an explicit grant of power of attorney.

Furthermore, the request to withdraw as attorney is moot given that a revocation of power of attorney to Head, Johnson & Kachigian and a new power of attorney to the attorneys of Merchant & Gould, PC was submitted to the United States Patent and Trademark Office on October 24, 2003 and a Notice to that effect mailed February 18, 2004.



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KJD/mjz: 3/5/04

cc:

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